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Attorney Docket No. 54600-8293.US01

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF:

Fuerst, *et al.*

APPLICATION No.: 09/769,066

FILED: January 24, 2001

FOR: **HEPATITIS E VIRUS ANTIGENS AND USES
THEREFOR**

EXAMINER: Foley, Shanon A.

ART UNIT: 1648

CONF. No: 7789

Amendment in Response to Office Action

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Office Action, designated as final, dated December 28, 2004 ("Office Action") in the captioned matter, and pursuant to the provisions of 37 C.F.R. §1.116, Applicants respectfully request entry and consideration of the following amendments and remarks. Applicants believe that entry of the Amendment will put the application in condition for immediate allowance or in better condition for appeal. Applicants respectfully submit that the finality of the Office Action should be withdrawn as resting on Patent Office error (see Remarks below), but, out of an abundance of caution, Applicants will treat the Office Action as final for purposes of this Amendment but without admitting that the finality is proper.

Amendments to the claims are reflected in the listing of claims beginning on page 2.